REMARKS

The Examiner is thanked for the careful review of this application. Applicant has thoroughly reviewed the outstanding Office Action and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the above amendments, patently distinguish the claims over cited art of record. Specifically, claims 1-5 and 8 are amended, and claims 1 through 10 remain pending.

Drawings

The Office Action objected to Figs. 1, 2, and 4 for certain informalities. Applicant has amended these figures to address and overcome the noted objections.

Specification

Per the Office Action's request, the title has been amended to address a noted informality.

Discussion of Office Action Rejections

Rejection of claims 1-10 based on 35 U.S.C. 101

Claims 1-5 and 7-10 are rejected under 35 U.S.C. § 101 allegedly because the claimed invention is directed to non-statutory subject matter. Applicant has amended the independent claims 1 and 8 so as to render these rejections moot.

Rejection of claims 1-10 based on 35 U.S.C. 102

Claims 1-6 and 8-10 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S, Patent No. 7,054,544 by Tanaka. As will be fully described in the following, the cited references do not anticipate the claimed embodiments. The rejections are respectfully traversed for at least the reasons set forth below.

Independent claim 1 of the present application is directed to an apparatus for multimedia data stream production. The apparatus comprises a virtual playback unit for simulating the standard multimedia player and providing a playback result; a multitasking unit for producing and integrating video data packs or audio data packs into the multimedia data stream according to the playback result from the virtual playback unit; and a data stream buffer unit for storing the multimedia data stream produced by the multitasking unit. Therefore, the virtual playback unit simulates the playback of multimedia data and the multitasking unit monitors the output of the virtual playback unit to adjust the allocation of video and audio data packs in the multimedia data stream dynamically. Therefore, conventional asynchronous playback caused by improper allocation of the video and audio data packs is avoided.

In contrast, the cited reference of Tanaka (US 7,054,544) discloses an audio-video synchronous playback system. Tanaka discloses a playback system including external/internal audio playback modes for analyzing the audio data. Therefore, the audio data output by the speaker are synchronized with the video data.

However, Tanaka does not disclose a virtual playback unit for simulating the standard multimedia player and providing a playback result to a multitasking unit nor a multitasking unit for producing and integrating video data packs or audio data packs

into the multimedia data stream according to the playback result from the virtual playback unit. Moreover, no data stream buffer unit for storing the multimedia data stream produced by the multitasking unit is disclosed by Tanaka.

For at least this reason, Tanaka does not disclose all the elements of the claimed embodiment, and the rejection of claim 1 should be withdrawn. As claims 2-7 depend from claim 1, the rejections of these claims should be withdrawn as well.

With regard to independent claim 8, that claim recites:

> 8. A method for producing multimedia data stream, comprising the steps of:
> calculating the playback time of a decoded video data pack;
> and a decoded audio data pack stored in a video data register unit and in a audio data register unit, respectively;
> determining whether the video data register unit and the audio data register unit have overflowed or not;
> ***deciding an analysis result according to the number of stored data packs if the video data register unit and the audio data register unit have not overflowed;***
> ***encoding and storing the source video data into the data stream buffer unit if the number of the video data packs are less than the number of the audio data packs and encoding the input source video stream for integration into the data stream buffer unit; and***
> ***encoding and storing the source audio data into the data stream buffer unit if the number of the audio data packs are less than the number of the video data packs and encoding the input source audio stream for integration into the data stream buffer unit.***

(*Emphasis added*). Claim 8 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above. Indeed, as these features were added by the amendments made herein, they were not even alleged to be disclosed in the cited art.

Accordingly, the dependent claims depend on the independent claims 1 and 8 are patentable.

Conclusion

Accordingly, Applicants respectfully submit the claims 1-10 to overcome the rejections under 35 U.S.C. 101, 102(e) and 103(a). Specifically, the present application cannot be anticipated by Tanaka. In view of foregoing, it is believed that all pending claims are in proper condition for allowance.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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